

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RAY GENE HARRINGTON,

Plaintiff,

v.

Case No. 07-C-0294

DAVID A. CLARKE, JR., JOHN HUSZ,
MATTHEW J. FRANK, and CHERI MAPLES,

Defendants.

DECISION AND ORDER

Plaintiff, Ray Gene Harrington, filed this *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. On October 10, 2007, the court granted the plaintiff's motion to proceed *in forma pauperis*. In addition, upon consideration of the complaint pursuant to the factors set forth in 28 U.S.C. § 1915A, the court determined the complaint was deficient because the plaintiff failed to allege a specific act of wrongdoing by any defendant and because he asserted a claim against an individual who was not identified as a defendant. The court advised the plaintiff that he could file an amended complaint, curing the deficiencies in the original complaint. The plaintiff was also advised that failure to file an amended complaint within that time period might result in dismissal of the action. Furthermore, the court stated that a timely filed amended complaint would be screened under 28 U.S.C. § 1915A.

On November 2, 2007, the plaintiff filed an amended complaint. In a decision and order dated May 7, 2008, the court screened the plaintiff's amended complaint under 28 U.S.C. § 1915A and determined that it also failed to state a claim. The

court gave the plaintiff one more opportunity to file an amended complaint, on or before June 2, 2008. The court instructed the plaintiff that his amended complaint must identify the responsible defendants and specify the manner in which their action, or failure to take action, violated his constitutional rights. The plaintiff was again warned that his failure to timely file an amended complaint might result in dismissal of this action.

The plaintiff has not filed an amended complaint. Despite being given multiple opportunities to do so, the plaintiff has failed to state a claim upon which relief may be granted and, therefore, this action will be dismissed. See 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1).

Accordingly,

IT IS ORDERED that this action is **DISMISSED** for failure to state a claim pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1).

IT IS FURTHER ORDERED that the Clerk of Court document that this inmate has brought an action that was dismissed for failure to state a claim under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1).

IT IS FURTHER ORDERED that the Clerk of Court document that this inmate has incurred a “strike” under 28 U.S.C. § 1915(g).

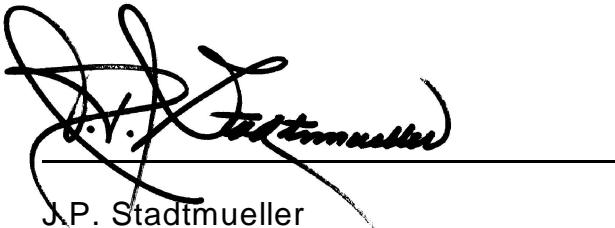
IT IS FURTHER ORDERED that the Clerk of Court enter judgment accordingly.

IT IS ALSO ORDERED that a copy of this order be sent to the warden of the institution where the inmate is confined and to Corey F. Finkelmeyer, Assistant Attorney General, Wisconsin Department of Justice, P.O. Box 7857, Madison, Wisconsin, 53707-7857.

I FURTHER CERTIFY that any appeal from this matter would not be taken in good faith pursuant to 28 U.S.C. § 1915(a)(3) unless the plaintiff offers bonafide arguments supporting his appeal.

Dated at Milwaukee, Wisconsin, this 11th day of July, 2008.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge